

**2009 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB103)**

Received: **09/21/2009**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Alan Lasee (608) 266-3512**

By/Representing: **Jennifer Esser**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Lasee@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibit text messaging while operating a motor vehicle

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**Instructions:**

See attached. Original bill plus SA2 plus penalty changes.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	emueller 09/22/2009	bkraft 09/22/2009	rschluet 09/22/2009	_____	lparisi 09/22/2009	lparisi 09/22/2009	

FE Sent For:

<END>

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FE Sent For:

<END>

## **Mueller, Eric**

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**From:** Esser, Jennifer  
**Sent:** Tuesday, September 15, 2009 3:00 PM  
**To:** Mueller, Eric  
**Cc:** Egerer, Matt  
**Subject:** SB 103 Text Bill

Hi Eric,

In speaking to Sen. Lasee he really wants to keep the penalties mirror those of inconsistent driving. I apologize for the confusion, as the Senator thought the penalties mirrored them. So I think given both SA 1, which was not what we wanted and SA 2 which is fine, maybe we ought to just do a substitute to clean this all up. So we'd have all the components of SA 2 as well as stripping out the penalties to make this consistent with inattentive driving (so \$20-\$400).

I know that Rep. Barca's office is doing a companion bill to this. They have not yet introduced their draft. I am going to go over and speak to them about this. It is my hope that they will be fine with these changes. I know their version was drafted to include all the contents of SA 2....now they'd just need the penalty change. Matt in Barca's office has been the lead on this.

Thanks much for getting me a sub—hope this is the last thing we need to do on this.

Jen



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs0127/1

EVM:.....

RMR bjk

SENATE SUBSTITUTE AMENDMENT ,  
TO 2009 SENATE BILL 103

In 9/22/09

5000

SA  
K-ref

- 1 AN ACT ...; relating to: operation of a motor vehicle while composing or sending  
2 an electronic text message and providing a penalty.

*Analysis by the Legislative Reference Bureau*

Current law prohibits inattentive driving of a motor vehicle, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This substitute amendment prohibits a person who holds a probationary license or an instruction permit and who is under 18 years of age from operating a motor vehicle while composing or sending an electronic text message, except to report an emergency. The substitute amendment provides an exception to this prohibition for persons operating authorized emergency vehicles. Persons who violate this prohibition may be required to forfeit not less than \$20 nor more than \$400.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3 SECTION 1. 346.02 (10) and (11) of the statutes are amended to read:

1        346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon  
2        a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,  
3        346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33,  
4        346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51,  
5        346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89 (1) and (2), 346.90, 346.91,  
6        346.92 (1) and 346.94 (1) and (9).

7        (11) APPLICABILITY TO ALL-TERRAIN VEHICLES. The operator of an all-terrain  
8        vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,  
9        346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40,  
10       346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55,  
11       346.71, 346.87, 346.88, 346.89 (1) and (2), 346.90, 346.91, 346.92 (1) and 346.94 (1)  
12       and (9) but is not subject to any other provision of this chapter.

13       **SECTION 2.** 346.89 (3) of the statutes is created to read:

14       346.89 (3) <sup>2</sup>(a) No person who holds a probationary license issued under s.  
15       343.085 or an instruction permit issued under s. 343.07 and who is under 18 years  
16       of age may operate, as defined in s. 343.305 (1) (c), any motor vehicle while composing  
17       or sending an electronic text message, except to report an emergency.

18       (b) This subsection does not apply to operators of authorized emergency  
19       vehicles.

20       **SECTION 3.** 346.95 (2) of the statutes is amended to read:

21       346.95 (2) Any person violating s. 346.89 (1) or (3) or 346.94 (2), (4) or (7) may  
22       be required to forfeit not less than \$20 nor more than \$400.

**History:** 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999  
a. 109; 2001 a. 90; 2003 a. 192, 297, 327; 2005 a. 250; 2009 a. 22.

23       **SECTION 4. Effective date.**

1           (1) This act takes effect on the first day of the 7th month beginning after  
2       publication.

3 (END)